

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **People of MI v Nayvon Hill**  
Docket No. **284188**  
L.C. No. **04-024952-FH**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because the application was not filed within 12 months of the judgment of sentence and neither of the two exceptions found in MCR 7.205(F)(4) applies. The issue in this case concerns how long defendant can wait after *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005), was decided before a renewed request for appellate counsel is considered untimely. The Court concludes that, pursuant to the second exception in MCR 7.205(F)(4), defendant had twelve months after *Halbert* was decided in which to make a timely request for appellate counsel. In this case, defendant waited eighteen months after the June 23, 2005, *Halbert* decision to renew his request for counsel. The request was untimely.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR - 9 2008

Date

*Sandra Schultz Mengel*

Chief Clerk